

02/23/2007 09:28 FAX 3104594373

008

PATENT
Docket No.: 36409-01100

REMARKS

This Request for Reconsideration is submitted in response to an outstanding Office Action dated November 28, 2006, the shortened **three month** statutory period for response set to expire on February 28, 2006. Accordingly, no Extension of time is believed necessary. In the event that the Commissioner determines an extension of time or fee is due, applicants hereby petition for such extension of time, and authorize the Commissioner to charge any required fee to the Milbank deposit account number 13-3250.

I. Status of the Claims

Please amend claims 49, 50, 53 and 55 as provided above. Claims 49-53 and 55 are now pending in the application. Claims 49 and 55 are independent claims.

Applicants acknowledge the Examiner's citation of statutory authority as a basis for claim rejections.

II. Office Action Summary

In an Office Action mailed November 28, 2006, the Examiner has rejected pending claims 49-53 and 55. Claims 49, 50, 53, and 55 are rejected under 35 U.S.C. § 103(a) over Stefik (U.S. 6,233,684) in view of Kageyama (U.S. 6,333,790). Claims 51 and 52 are rejected under 35 U.S.C. § 103(a) over Stefik and Kageyama and further in view of Rager (U.S. 5,363,447).

Applicant has amended the claims to more clearly recite the features of the present invention and thereby distinguish the claimed invention from the cited prior art. In particular, independent claim 49 has been amended to clearly recite that a communication system of the present invention, which is capable of printing image data selected by a user device on a user side from image data to be supplied from a supplier device on a supplier side, is arranged so that a

02/23/2007 09:28 FAX 3104584373

008

PATENT
Docket No.: 36409-01100

printer is arranged to notify (e.g., S42 in Fig. 4) the supplier device of the transaction data and a model of the printer, and the supplier device is arranged to determine (e.g., S62 in Fig. 6) whether the model of the printer, notified by the printer, can guarantee safety of the image data and transmit (e.g., S631-633 in Fig. 6) the image data to the printer to be printed, when the determination result indicates that the model of the printer can guarantee the safety of the image data.

The above-described features of the present invention are not taught from each of the cited references of Stefik and Kageyama, on which the Examiner relies to reject independent claims 49 and 55. The reference of Stefik discloses a system for controlling distribution and use of digital works. Specifically, this reference merely discloses to determine whether print copy usage right is provided to the digital work, and then transmit the digital work to be printed, if it is determined that such a right is provided to the digital work. However, the reference of Stefik does not disclose that as, recited in the amended independent claim 49, a printer notifies a supplier device of a model of the printer and the supplier device determines whether the model of the printer, notified by the printer, can guarantee safety of the image data, to transmit the image data to the printer when the determination result indicates that the model of the printer can guarantee the safety of the image data. The reference of Kageyama relates to an operating state management system of a printer connected to a network. Specifically, this reference discloses that a printer 200 is connected to a local computer 300 and is also connected to a computer 400 via a network. However, the reference of Kageyama does not relate to a print system which is arranged so that the printer receives data which is distributed from a supplier device via a network, to print the received data and also does not disclose that the printer notifies a supplier device of a model of the printer and the supplier device determines whether the model of the

02/23/2007 09:27 FAX 3104594373

010

PATENT
Docket No.: 36409-01100

printer, notified by the printer, can guarantee safety of the image data, to transmit the image data to the printer when the determination result indicates that the model of the printer can guarantee the safety of the image data. Therefore, even when this reference of Kageyama is combined into the reference of Stefik, this combination could not teach that in the system of the reference of Stefik, the printer functions together with the supplier device as recited in the amended independent claim 49.

In view of the foregoing, the cited references of Stefik and Kageyama, even when each taken alone or in combination, do not teach the present invention recited in the amended independent claim 49. Independent claim 55 recites a control method for the supplier device recited in independent claim 49 and has been now amended in the same manner as the amended independent claim 49. The invention of the amended claim 55 therefore is not also taught from each of the cited references of Stefik and Kageyama and combination thereof.

III. Request for Reconsideration

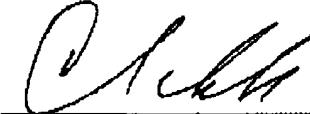
Applicant respectfully submits that the claims of this application are in condition for allowance. Accordingly, reconsideration of the rejection and allowance is requested. If a conference would assist in placing this application in better condition for allowance, the undersigned would appreciate a telephone call at the number indicated.

02/23/2007 09:27 FAX 3104594373

011

PATENT
Docket No.: 36409-01100

Respectfully submitted,
Milbank, Tweed, Hadley & McCloy LLP



Chris L. Holm
Reg. No.: 39,227

February 23, 2007

Milbank Tweed Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10005
(212) 530-3000/(212) 530-5219 (facsimile)

LA1:#6344468